

Attachment to Independent Case Review Report  
for CDRU # 671 Case File # 95-284380.

Material Examiners Malone (RO)

Remarks:

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## INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Cathryn L. Levine

Area(s) of Expertise: Hair + Fiber

Review commenced at: 7:30 AM (Time), 5/21/99 (Date)

File #: 95-284380

Laboratory #(s): 80809011 S RQ

### Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

### Materials Reviewed

Trial testimony transcript(s) of: Michael P. Malone

Testimony Date(s): no date given Pages: 143 - 163

Laboratory Report(s):

Laboratory Number: 80809011 S RQ Date: 9/16/88

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner Bench Notes of: Michael Malone

Laboratory Number: 80809011 S RQ

Laboratory Number: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_

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Initials: CLL

Was any other material reviewed? ☒ Yes ☐ No

If yes, please identify and/or describe the material: Letter from Lawrence County Sheriff's  
Office dated Aug. 2, 1986, pgs 546-547 from 'Word Identification  
and Description of Words by Species'

### Results of Review

File #: 95-284380 Item or Specimen # Reviewed: K1, K2, Q1,  
Q2, Q3, Q4, Q5, Q6

### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
☐ Yes ☐ No ☒ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
☐ Yes ☒ No ☐ Unable to Determine

### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☐ Transcript not available.

- see narrative in comment section*
- 3) Testimony consistent with the laboratory report(s)? ☒ Yes ☐ No ☐ Unable to Determine
  - 4) Testimony consistent with the bench notes? ☒ Yes ☐ No ☐ Unable to Determine
  - 5) Testimony within bounds of examiner's expertise? ☒ Yes ☐ No ☐ Unable to Determine

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Initials cll

Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

① ~~There are no appropriate~~<sup>cll</sup> I am unable to determine if this examiner performed appropriate tests in analyzing the woven matches in this case. The notes from the examiner (there are no technician notes) do not indicate that any microscopic slides were made. The primary method of word identification would be the morphology of the fibers. This can be accomplished by making several cuts - transverse, X-S, & longitudinal. There is no reference to any of the above in this examiner's notes.

Review completed at: 8:45 AM (Time); 5/21/99 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1 1/4 hr

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Cathy L. Lerner  
(Signature)

5/21/99  
(Date)

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Initials cll

Additional Comments  
(Set forth by question #, if applicable)

File #: 95-284380

② The case file does not contain adequate scientific documentation which is necessary to <sup>ell</sup> as the basis for <sup>WR</sup> the opinion. The case file does not substantiate the microscopic examination of these work fibers.

Testimony states that [redacted] was identified (pg. 153). The case file does not contain any information to support this opinion as well.

b6  
b7c